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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,526	12/30/2003	Tao Li	030163	8867

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

EXAMINER

RADOSEVICH, STEVEN D

ART UNIT	PAPER NUMBER
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2138

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/27/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/27/2007.

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Office Action Summary	Application No. 10/749,526	Applicant(s) LI, TAO	
	Examiner Steven D. Radosevich	Art Unit 2138	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-23 are present for examination.

Response to Arguments

Applicant's arguments with respect to claim 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "input test data" or an input line representing the "input test data" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. As per claims 1 and 20, it is unclear to the examiner after reviewing the application and all its sections where the "input test data" being spread originates since it is not indicated as being the output of the demodulator, nor as being the same as the "input data" supplied to the demodulator, which is the only input previously disclosed within the claim. In view of the 35 U.S.C. 112, second paragraph rejection the prior rejection of the claims is maintained because the claims are unclear to the examiner.

Claims 2-19 and 21-23 are dependent upon claims 1 and 20 respectfully and thus inherit the 35 U.S.C. 112, second paragraph issues of the independent claim and may not be further considered upon their merits. In view of the 35 U.S.C. 112, second paragraph rejection the prior rejection of the claims is maintained because the claims are unclear to the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4, 13-16, and 20-22 are rejected under 35 U.S.C. 102(a) as being anticipated by Rahul Chauhan (as cited on the 892 with this action under non-patent documents).

2. As per claims 1, 13, and 20, Rahul Chauhan teaches a code division multiple access (CDMA) integrated circuit, comprising:

A demodulator to correlate an input data with a plurality of codes (within page 11 in Rahul Chauhan under “A Walk Through To IS-95A, IS-95B, CDMA-2000 And Call Processing” and Forward Link on pages 9-11); and

A test data pattern generator configured to spread an input test data with at least one of the plurality of codes to form a spread test data, and to provide the spread test data to the demodulator (pages 9-11 in Rahul Chauhan under “A Walk Through To IS-95A, IS-95B, CDMA-2000 And Call Processing”).

3. As per claims 2, 14, and 21, Rahul Chauhan teaches the integrated circuit further comprising a multiplexer configured to multiplex the input data and the spread data to the demodulator (Top figure on page 10 in Rahul Chauhan under “A Walk Through To IS-95A, IS-95B, CDMA-2000 And Call Processing”).

4. As per claims 3, 15, and 22, Rahul Chauhan teaches wherein at least one of the plurality of codes comprises a scrambling code and a spreading code (pages 8-11 in Rahul Chauhan under “A Walk Through To IS-95A, IS-95B, CDMA-2000 And Call Processing”).

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5. As per claims 4 and 16, Rahul Chauhan teaches wherein the scrambling code comprises a pseudo-random noise (PN) code and the spreading code comprises a Walsh code. (pages 8-11 in Rahul Chauhan under "A Walk Through To IS-95A, IS-95B, CDMA-2000 And Call Processing").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5, 6, 12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rahul Chauhan or Rahul Chauhan as modified as applied to claims 3, 11, and 15, and further in view of Bertin et al. (US Patent 68020033 B1).

6. As per claims 5, 6, 12, and 17, Rahul Chauhan teaches the CDMA integrated circuit as described (as per claims 3, 15, and 11) with a demodulator, test data pattern generator, multiplexer, and a plurality of codes.

Rahul Chauhan does not specifically teach wherein the CDMA integrated circuit further comprises a plurality of AND gates configured to gate off the scrambling code or spreading code.

However in an analogous art Bertin teaches wherein a plurality of AND gates are used to gate off or select specific circuitry and codes within an integrated circuit (columns 7-8 lines 65-9 and figure 6).

Therefore one of ordinary skill in the art at the time the invention was made would have been motivated to incorporate AND gates such as Bertin teaches to gate off the scrambling code or the spreading code within the CDMA integrated circuit as taught by Rahul Chauhan since the use of AND gates in such a way would allow the selection of desired circuitry and control parameters desired within the circuit as stated by Bertin (columns 7-8 lines 65-1).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rahul Chauhan as applied to claim 1 above, and further in view of Mailaender et al (2004/0001426 A1).

7. As per claim 11, Rahul Chauhan teaches the CDMA integrated circuit as described (as per claim 1) with a demodulator, test data pattern generator, and plurality of codes.

Rahul Chauhan does not specifically teach wherein the CDMA integrated circuit further comprises a plurality of spreaders configured to spread the input test data with the plurality of codes to form a plurality of spread test data.

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However in an analogous art Mailaender teaches wherein a plurality of spreaders are configured to spread the input data with a plurality of codes to form a plurality of spread data (paragraph 0039 and figure 2)

Therefore one of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the plurality of spreaders such as Mailaender teaches configured to spread the input date with a plurality of codes to form a plurality of spread test data within the CDMA integrated circuit as taught by Rahul Chauhan since it would add security to the system such as indicated by Mailaender (paragraph 0039).

Conclusion

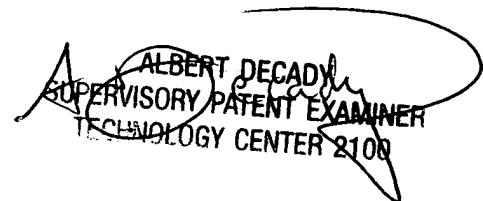
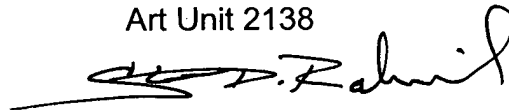
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Radosevich whose telephone number is 571-272-2745. The examiner can normally be reached on 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 571-272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Steven D. Radosevich
Examiner
Art Unit 2138



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